

REMARKS/ARGUMENTS

Claim Rejections – 35 USC §102

The Office Action rejected claims 1-5, 9-12, 21-25, 35-38, and 41-43 under 35 USC §102(e) as being anticipated by or, in the alternative, under 35 USC 103(a) as being obvious over Mahan. The Mahan application claims a method involving several species of bacteria include *Pasteurella Multicoda*. However, it fails to disclose the *Mannheimia haemolytica* as a bacterial species that can be used. Applicant therefore has limited the claims in order to overcome the stated rejection. As *Mannheimia haemolytica* was already disclosed in the application, no new matter has been added. Applicant further contends that the claims are not obvious with respect to *Mannheimia haemolytica* because a person of ordinary skill in the art would recognize that any particular gene may or may not be present in the genome of a bacterial species.

CONCLUSION

In view of the above, it is submitted that the claims and application are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance of the claims at an early date is solicited. Should the Examiner have any suggestions to place the application in even better condition for allowance or feel that issues may be best resolved by personal or telephonic interview, Applicant invites the Examiner to contact the undersigned representative at the number below.

Appl. No.: 10/541,246
Amendment dated 3/23/2011
Reply to Office Action of September 23, 2010

Respectfully Submitted,
Butler, Snow, O'Mara, Stevens & Cannada, PLLC

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